



Wage Standards Division

ILLEGAL TERMINATION FROM YOUR JOB

- I. Generally, Hawaii is an "at will" State. This means an employer does not need to give you a reason to let you go, lay you off or fire you unless:
 - You have a contract with the employer that requires you be notified of the reason. If your employer broke a contract you need to consult an attorney to assist you with any claims you may have. You can reach the Hawaii State Bar Association's Lawyer Referral and Information Service at 537-9140 or go to their website at www.hsba.org.
 - You are a member of a union that has a Collective Bargaining Agreement (CBA) with your employer. If you are a union member with a CBA, then you should consult your union.
- II. If you believe an employer discriminated against you because of your race, sex, sexual orientation, age, religion, color, ancestry, disability, marital status, or arrest and court record, you may contact the Hawaii Civil Rights Commission for more information or you may go to their website at Hawaii.gov/labor/hcrc to file a complaint.



Finally,

- III. Under Chapter 378, Part III, Hawaii Revised Statutes (HRS), states in part that an employer may not suspend, discharge or discriminate against you:
 - (1) Solely because the employer was summoned as a garnishee in a cause where the employee is the debtor or because the employee has filed a petition for a wage earner plan under Chapter XIII of the Bankruptcy Act [HRS §378-32(1)]; or
 - (2) Solely because the employee has suffered a work injury, compensable under Workers' Compensation, unless the employee is no longer capable of performing the work and the

employer has no other available work which the employee is capable of performing [HRS §378-32(2)]; or

- (3) Because the employee testified or was subpoenaed to testify in a case under Part III of the Employment Practices Law [§378-32(3)], or
- (4) Because an employee tested positive for the presence of drugs, alcohol, or the metabolites of drugs in a substance abuse on-site screening test [§378-32(4)].

If you believe that you have been discharged, suspended or discriminated against because of any of the above four (4) reasons, §378-33, HRS, provides that you may file a complaint with the Department of Labor and Industrial Relations, Wage Standards Division or any of the department's district offices on Maui, Kauai, and Hawaii (Hilo and West Hawaii).

You may be able to file a complaint, as long as you file within 30 days of being fired or received notice of being fired. To obtain a complaint form with instructions [click here](#).